In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 4474 of 2005

Date of Decision: 11.12.2005

Balbir Singh

…Petitioner

Versus

Haryana State Agriculturist Marketing Board and others

…Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Rajinder Goyal, Advocate,
for the petitioner.

Mr. Mahavir Sandhu, Advocate,
for respondent Nos. 1 and 2

Mr. Harish Rathee, Sr. DAG, Haryana,
for respondent No. 3.

Mr. Sumeet Goel, Advocate,
for respondent No. 4.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made in this petition is for issuance of direction to the respondents to make payment of retiral dues like leave encashment, gratuity, pension and others along with interest @ 18% per annum from the due date till its actual payment. On 27.11.2006, we have passed the following detailed order:-

> " The petitioner has retired as Auction Recorder on 31.12.2003 from the Haryana State Agricultural Marketing Board. He served a legal notice dated 6.11.2004 (Annexure P3) for release of his pension and pensionary benefits. The aforementioned legal notice was received by the Market Committee, Mandi Dabwali stating therein that as and when the grant is received from the Municipal Committee, the same shall be disbursed. However, it is conceded position that pension has been released to the petitioner on 14.3.2005 and the amount of leave encashment has been paid to him on 29.3.2005. However, there is a dispute with regard to the payment of gratuity. According to the reply filed by the Municipal Council, Mandi Dabwali, an amount of Rs.1,13,988/- has been sent to the Marketing Committee, Dabwali on account of gratuity. But the same is yet to be paid to the petitioner.
>
> Mr.Mahavir Sandhu, learned counsel for respondents No.1 & 2 states that the averments made in reply filed by respondents No.1 & 2 with regard to

release of death-cum-retirement gratuity was filed earlier to the reply filed by the Municipal Council, Dabwali and, therefore, averments were made that gratuity shall be released to the petitioner as and when the same is received from respondents No.3 & 4. The position is now clear as an amount of Rs.1,13,988/- as averred by the Municipal Council, Mandi Dabwali, has been released to the Marketing Committee, Dabwali. Therefore, we direct respondents No.1 & 2 to release the death-cum-retirement gratuity to the petitioner without any further delay.

The need shall be done before the next date of hearing.

List again on 11.12.2006.

Copy of the order be given dasti on the payment of usual charges."

At the hearing today, Mr. Mahavir Sandhu, learned counsel for respondent Nos. 1 and 2 has handed over a demand draft for Rs. 1,52,657/-, which according to him satisfy all the claims of the petitioner. However, learned counsel for the petitioner has raised the issue of payment of interest as the petitioner had retired on 31.12.2003 and there is delay in making payment of his various dues. It is well settled by a Full Bench judgment of this Court in the case of **R.S. Randhawa v. State of Punjab, 1997(3) RSJ 318**, that on delayed payment of retiral benefits, a retired employee is entitled to

realisation of interest. We find that the request made by the learned counsel for the petitioner merit acceptance and accordingly the petitioner is held entitled to interest @ 9% per annum from the date the payment was due till the date of its actual realisation. The interest shall be paid by respondent Nos. 1 and 2 and if the apportionment has to be made, respondent Nos. 1 and 2 may settle the account with other respondents.

The writ petition stands disposed of in the above terms.

Copy of the order be given dasti on payment of usual charges.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

December 11, 2006

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